

# SB0751



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB0751

Introduced 2/3/2015, by Sen. Michael E. Hastings

#### SYNOPSIS AS INTRODUCED:

745 ILCS 49/20

Amends the Good Samaritan Act. Provides that a dentist who administers vaccinations as provided in the Illinois Dental Practice Act at a public health clinic operated pursuant to the Public Health District Act, without charge to the patient or the receipt of a fee or compensation from that clinic, shall not be liable for civil damages as a result of his or her acts or omissions in providing vaccinations, except for willful or wanton misconduct. Makes a corresponding change.

LRB099 02678 HEP 22685 b

A BILL FOR

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Good Samaritan Act is amended by changing  
5 Section 20 as follows:

6 (745 ILCS 49/20)

7 Sec. 20. Free dental clinic; exemption from civil liability  
8 for services performed without compensation.

9 (a) Any person licensed under the Illinois Dental Practice  
10 Act to practice dentistry or to practice as a dental hygienist  
11 who, in good faith, provides dental treatment, dental services,  
12 diagnoses, or advice as part of the services of an established  
13 free dental clinic providing care to medically indigent  
14 patients which is limited to care which does not require the  
15 services of a licensed hospital or ambulatory surgical  
16 treatment center, and who receives no fee or compensation from  
17 that source shall not, as a result of any acts or omissions,  
18 except for willful or wanton misconduct on the part of the  
19 licensee, in providing dental treatment, dental services,  
20 diagnoses or advice, be liable for civil damages. For purposes  
21 of this Section, a "free dental clinic" is an organized program  
22 providing, without charge, dental care to individuals unable to  
23 pay for their care. For purposes of this Section, an "organized

1 program" is a program sponsored by a community, public health,  
2 charitable, voluntary, or organized dental organization. Free  
3 dental services provided under this Section may be provided at  
4 a clinic or private dental office. A free dental clinic may  
5 receive reimbursement from the Department of Healthcare and  
6 Family Services or may receive partial reimbursement from a  
7 patient based upon ability to pay, provided any such  
8 reimbursements shall be used only to pay overhead expenses of  
9 operating the free dental clinic and may not be used, in whole  
10 or in part, to provide a fee, reimbursement, or other  
11 compensation to any person licensed under the Illinois Dental  
12 Practice Act who is receiving an exemption under this Section  
13 or to any entity that the person owns or controls or in which  
14 the person has an ownership interest or from which the person  
15 receives a fee, reimbursement, or compensation of any kind.  
16 Dental care shall not include the use of general anesthesia or  
17 require an overnight stay in a health care facility.

18 (b) A dentist who administers vaccinations as provided in  
19 Section 54.3 of the Illinois Dental Practice Act at a public  
20 health clinic operated pursuant to the Public Health District  
21 Act, without charge to the patient or the receipt of a fee or  
22 compensation from that clinic, shall not be liable for civil  
23 damages as a result of his or her acts or omissions in  
24 providing vaccinations, except for willful or wanton  
25 misconduct.

26 (c) The provisions of this Section shall not apply in any

1 case unless the free dental clinic or public health clinic has  
2 posted in a conspicuous place on its premises an explanation of  
3 the immunity from civil liability provided in this Section.

4 (Source: P.A. 94-83, eff. 1-1-06; 95-331, eff. 8-21-07.)